IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 5909 of 2005(C)

PETITIONER:

GEORGE STANLEY, KARUNA HOUSE,
KANJIRAMKULAM, NEYYATTINKARA TALUK.
U.D.CLERK, CHRISTIAN COLLEGE, KATTAKADA (RETIRED)

BY ADV. SRI.B.KRISHNA MANI
SRI.RAHUL VENUGOPAL
SMT.S.SIBHA

RESPONDENTS:

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1. THE DISTRICT MANAGER, KERALA STATE
BACKWARAD CLASSES DEVELOPMENT CORPORATION,
COTTON HILL, THIRUVANANTHAPURAM.

2. THE PRINCIPAL, CHRISTIAN COLLEGE,
KATTAKADA, THIRUVANANTHAPURAM.

3. THE SUB-TREASURY OFFICER,
SUB TREASURY OFFICE, NEYYATTINKARA.

4. KANAKA BAI, KANAKA NIVAS,
KAZHIROOR P.O., KANJIRAM, THIRUVANANTHAPURAM.

5. SATHYADAS, S.S. COTTAGE,
KARIPRAKONAM, PERUMPAZHATHOOR.

6. D. SELVAN, MAVILA VEEDU,
KANJIRAMKULAM P.O., THIRUVANANTHAPURAM.

BY ADV. SHRI.P.N.SANTHOSH, GOVERNMENT PLEADER
ADV. SHRI.C.S.MANILAL, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 5909/2005

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE NOTICE DATED 18/07/2003 ISSUED BY THE 1ST RESPONDENT.

P2 : COPY OF THE NOTICE ISSUED BY THE 1ST RESPONDENT.

P3 : COPY OF THE AGREEMENT DATED 11/01/1997.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 5909 of 2005

Dated, this the 14th day of August, 2007

J U D G M E N T

Petitioner is challenging recovery proceedings in the form of attachment of his gratuity for recovery of arrears of loan taken by respondents 4 & 6, for whom petitioner and 5th respondent stood as sureties. The point raised by the petitioner is that only salary can be attached and not gratuity. Petitioner has produced a letter authorizing recovery through attachment of his salary. Learned counsel appearing for 1st respondent submitted that petitioner has executed surety bond which covers personal liability and therefore, all amount can be attached besides revenue recovery. I do not think the contention of the petitioner can be upheld because attachment of salary authorized does not limit recovery from monthly salary alone. Salary under the Bond includes all payments from their employer. In the circumstances, pension, gratuity or any amount can be attached whether there is separate surety bond or not. Recovery also can be made from other sureties i.e. from the 5th respondent. Petitioner has a right to recover the amount from the principal debtors. It is for him to pursue the same.

This writ petition is dismissed with the above observations.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg